

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Reed et al. (as amended)	Confirmation No.:	5470
Serial No.:	10/823,253	Art Unit:	1644
Filed:	April 12, 2004	Examiner:	Rinaudo, Jo Ann S.
For:	<b>RECOMBINANT IL-9 ANTIBODIES AND USES THEREOF</b>	Attorney Docket No:	10271-112-999

**STATEMENT REGARDING THE PERMANENCE AND AVAILABILITY OF  
DEPOSITED MICROORGANISMS UNDER 37 C.F.R. §§ 1.801-1.809**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, attorneys for MedImmune, Inc., having a place for the transaction of business at One MedImmune Way, Gaithersburg, Maryland 20878, the assignee of the above-captioned application, declare and state that:

1. *E. coli* containing the pMI347 expression vector encoding the anti-IL-9 antibody 7F3com-2H2 was deposited with the American Type Culture Collection (ATCC), located at 10801 University Boulevard, Manassas, Virginia 20110-2209 on April 9, 2004, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (“Budapest Treaty”) on behalf of MedImmune, Inc. The deposited microorganism was assigned Accession No. PTA-5913.

2. We hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the microorganism referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which such microorganism is subject; (b) the microorganism will be maintained for a term of at least thirty (30) years and at least five (5) years after the most recent request for

the furnishing of a sample of the deposited microorganism was received by the ATCC, and in any case, samples will be stored under agreements that would make them available beyond the enforceable life of the patent for which the deposit was made; (c) should the deposit become non-viable, it will be replaced by the assignee; and (d) access to the microorganism will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such microorganism under 37 C.F.R. § 1.14 and 35 U.S.C. § 122. A copy of the Receipt of Deposit for the microorganism referred to in paragraph 2 has been attached to this statement as Exhibit 1.

3. We hereby declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that we make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18, and would jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: May 1, 2006

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# ATCC

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

MedImmune Inc.  
Attn: Edward Amaya  
One MedImmune Way  
Gaithersburg, MD 20878

Deposited on Behalf of: MedImmune, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

pMI347/DH5α in E. coli K12

PTA-5913

The deposit was accompanied by:        a scientific description        a proposed taxonomic description indicated above.

The deposit was received April 9, 2004 by this International Depository Authority and has been accepted.

AT YOUR REQUEST:   X   We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested April 16, 2004. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Maria Harris  
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Marie Harris, Patent Specialist, ATCC Patent Depository

Date: May 5, 2004

cc: Geraldine F. Baldwin, Esq.  
Ref. Docket or Case No.: 209073-888111